

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LYNN FENDLER,)
)
Plaintiff,)
)
vs.) Case No. 4:21-cv-01482-MTS
)
KILOLO KIJAKAZI, *the Acting*)
Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

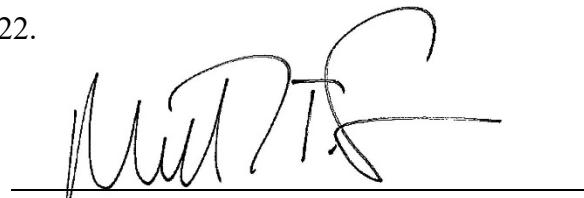
This matter is before the Court on Plaintiff's Application for Award of Fees Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Doc. [19]. Plaintiff asks to be awarded \$6,422.22 for 27 hours of attorney work. Plaintiff also seeks reimbursement of the filing fee totaling \$402.00. In response, Defendant represents that she and Plaintiff have agreed to an award of EAJA fees and expenses in the amount of \$6,269.89 and costs of \$402.00. Doc. [21]. The Court will award Plaintiff \$6,269.89 to be paid by the Social Security Administration. *See* 28 U.S.C. § 2412. This amount is subject to any allowable offset to satisfy any pre-existing debt Plaintiff owes to the United States. *See Astrue v. Ratliff*, 560 U.S. 586 (2010). If Plaintiff owes an outstanding debt to the United States, and such debt is subject to offset, Defendant shall offset the debt and send the remainder (if any) of the award to Plaintiff.

Additionally, the Court will award \$402.00 for the filing fee as costs. *See* 28 U.S.C. § 1920. Defendant notes that this fee should not be paid as an expense under EAJA but instead should be paid from the Judgment Fund administered by the United States Treasury. *See* 28 U.S.C. § 2412(a).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Award of Fees, Doc. [19], is **GRANTED in part** as follows: EAJA fees and expenses in the amount of \$6,269.89 shall be paid by the Social Security Administration in accordance with the EAJA and this Memorandum and Order, and the Clerk shall tax costs in the amount of \$402.00, which shall be paid to Plaintiff from the Judgment Fund administered by the United States Treasury.

Dated this 2nd day of November, 2022.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE